

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MCKENNA DANILO BERNARDO,  
  
Defendant.

CASE NO. CR20-0114-JCC  
  
ORDER

This matter comes before the Court on Defendant's unopposed motion to seal his sentencing memorandum, with exhibits (Dkt. No. 51). Having thoroughly considered Defendant's motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained below.

The First Amendment protects the public's right of access to criminal trials. *See, e.g., Globe Newspaper Co. v. Super. Ct. for Norfolk Cnty.*, 457 U.S. 596, 606 (1982). The public also has a common law right to inspect and copy public records, including those from judicial proceedings. *See Nixon v. Warner Commc'ns*, 435 U.S. 589, 597 (1978). But these rights are not absolute. They must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017).

The Court has reviewed the documents that Defendant seeks to keep sealed and finds that

1 sealing them serves a compelling interest in protecting Defendant's privacy in his criminal history,  
2 family, and personal medical information. Additionally, the Government does not oppose this  
3 request.

4 Accordingly, the Court GRANTS Defendant's motion to seal. (Dkt. No. 51.) Defendant's  
5 sentencing memorandum and exhibits (Dkt. Nos. 52–52-3) will remain under seal pending  
6 further order of the Court.

7 DATED this 20th day of October 2021.

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11 John C. Coughenour  
12 UNITED STATES DISTRICT JUDGE  
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